

### **REMARKS**

Claims 1-21 are pending in this application after this amendment. Claims 1, 7-9 and 11 are independent. New claim 21 is presented for consideration by the Examiner. No new matter has been added by the addition of new claim 21. Based on the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicants have amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1-11, 13-17 and 19 under 35 U.S.C. §102(e) as being anticipated by Westervelt et al. (U.S. Patent Application No. 2002/0073196); rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Westervelt et al. in view of Pendragon (Internet article, April 2000, XP002393717); and rejected claims 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over Westervelt et al. in view Fuccello et al (USP 7,092,369). Applicants respectfully traverse these rejections.

### **Examiner Interview**

Applicants wish to thank the Examiner and his Supervisor for the Interview conducted on June 18, 2008. During the Interview, the parties discussed the claimed invention and the teachings of the cited art. The amendments and arguments herein are further to the discussion between the parties during the Interview.

## Claim Rejections – 35 U.S.C. §102

### 1. The Examiner fails to establish *prima facie* anticipation of claims 1, 7-8

In support of the Examiner's rejection of claim 1, the Examiner asserts that Westervelt teaches all of the claim elements. Specifically, the Examiner asserts that Westervelt discloses a determining unit for determining reliability of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device. In support of this assertion, the Examiner relies on geographic position determination unit 30, providing the geographic location of the mobile unit 10 to a system user. Applicants respectfully disagree that these teachings of Westervelt are sufficient to anticipate at least this claim element.

The disclosure of Westervelt is directed to an integrated communication and geographic positioning system that enables a system user, at computer 40, to monitor individual 40 activity. The system enables the determination of an individual's geographic position and the monitoring of an individual's activity. At paragraph [0033], Westervelt discloses geographic position determination unit 30 providing geographic location of mobile unit 10 to a system user. Geographic position determination unit 30 may be a space-based satellite platform, such as a GPS system or any other satellite system which functions to geographically pinpoint an object on earth using various known methods.

However, claim 1 requires determining reliability of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device. Claim 1, as amended, further clarifies that the survey result collected **from the terminal device includes external environment information of a survey point and said survey**. There is no disclosure in Westervelt that the mobile unit 10 adds the external environment data, or any information, to the survey result. As such, for at least this reason, and based on the agreement made between the parties during the Interview, Westervelt fails to anticipate claim 1. Applicants respectfully request the outstanding rejection be withdrawn.

In addition, claim 1 requires a determining unit for determining reliability of the survey result. In support of his rejection, the Examiner asserts that Westervelt discloses server unit 50 to format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer terminal 40 as disclosed in paragraph [0033] and [0038]. Applicants respectfully submit that these teachings are insufficient to anticipate this claim element.

Westervelt, at paragraph [0038], merely discloses that the information that is received from the mobile unit is formatted and input into an accounting program. Even at paragraph [0044], Westervelt discloses that the information is merely processed into appropriate reports depending on the department receiving the reports. There is no disclosure that is directed to a determining unit for determining **reliability** of the survey result. Further there is no teaching or suggestion that is directed to determining reliability based on the external environment information that is collected from the terminal device.

As Westervelt fails to teach or suggest determining reliability of the survey results, Westervelt cannot teach or suggest determining reliability of the survey results based on external environment information at a survey point.

For at least these reasons, Applicants respectfully submit that Westervelt is insufficient to anticipate the claimed invention. It is respectfully requested that the outstanding rejection be withdrawn.

Applicants respectfully submit that Applicants respectfully submit that claims 2-6 are allowable for the reasons set forth above with regard to claim 1. Applicants respectfully submit that claims 7-8 recite elements similar to those discussed above with regard to claim 1 and thus these claims, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

## **2. The Examiner fails to establish *prima facie* anticipation of claim 9**

Claim 9 recites, *inter alia*, **a determining unit for determining reliability of the survey result on the basis of predetermined information** which cannot be arbitrarily rewritten by an operator of said terminal device, and **which is added to said survey result by said terminal device**. As is clearly recited in claim 9, the predetermined information is added to the survey result by the terminal device.

However, as noted above with regard to claim 1, Westervelt fails to teach or suggest the mobile unit adding any predetermined information to the survey result, upon which reliability is determined. As such, Applicants respectfully submit that Westervelt fails to teach or suggest all of the elements recited in claim 9. Thus, claim 9 is not anticipated by Westervelt. It is respectfully requested that the outstanding rejection be withdrawn.

## **3. The Examiner fails to establish *prima facie* anticipation of claim 11**

Claim 11 recites, *inter alia*, a providing unit for providing a program which is adapted to specification of a terminal device and can be executed in said terminal device to said terminal device via a network; and a collecting unit for **collecting a survey result which is obtained by executing said program in said terminal device and includes external environment information of said terminal device from said terminal device via said network**. As is clearly recited in claim 11, the external environment information is collected from the terminal device.

However, as noted above with regard to claim 1, Westervelt fails to teach or suggest the mobile unit adding any external environment information to the survey result, upon which reliability is determined. As such, Applicants respectfully submit that Westervelt fails to teach or suggest all of the elements recited in claim 11. Thus, claim 11 is not anticipated by Westervelt. It is respectfully requested that the outstanding rejection be withdrawn.

### Conclusion

In view of the above remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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